

FILED

DEC 27 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE WILLIE GEORGE ERWIN,
JR.,
Petitioner.

No. C 12-04699 EJD (PR)

ORDER VACATING JUDGMENT
AND REOPENING CASE

On September 7, 2012, Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On October 26, 2012, Petitioner's case was dismissed without prejudice for failure to pay the filing fee, and the case closed. (Doc. No. 3.) Petitioner then filed a motion requesting that his case be reopened declaring that he had been unsuccessful in obtaining the required documents to complete his application to proceed in forma pauperis ("IFP") from the institution where he is housed. (Doc. No. 5.) Petitioner's motion to reopen was denied, but he was given an extension of time in which to file a complete application to proceed IFP. (Doc. No. 6.) Petitioner has filed a completed IFP application within the time allowed. (Doc. No. 7.) Accordingly, the Judgment entered on October 26, 2012, (Docket No. 4) is **VACATED**. The Court will conduct an initial review of the petition in a separate order.

The Clerk shall reopen the file.

DATED: 12/21/12


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE WILLIE GEORGE ERWIN JR,
Petitioner

Case Number: CV12-04699 EJD

CERTIFICATE OF SERVICE

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 27, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Willie George Erwin T-64857
CTF
P. O., Box 698
Soledad, CA 93960-0689

Dated: December 27, 2012

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk